

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JUNE 21, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, June 21, 2011, at 8:30 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, Acting County Manager and Ms. Patti Morrow, Recording Secretary.

(Official Minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at www.FrederickCountyMD.gov.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Smith said he would need to leave the meeting at 10:00 a.m. for a Boy Scout commitment.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Acting County Manager

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

WORKSESSION**Discussion with the Frederick County Board of License Commissioners (Liquor Board) – Commissioner Blaine Young**

The Board recognized Mr. Robert Snyder with a certificate for his 18 years of service as a license commissioner with the Liquor Board.

Revision of the Frederick County Ethics Ordinance – Linda Thall, Office of the County Attorney

Ms. Thall briefed the Board on two (2) new model ethics ordinances to be considered for revision to the county's ethics ordinance.

Staff was directed to draft a revised ethics ordinance using model B and to increase the Frederick County Ethics Commission from three members and an alternate to five members and an alternate.

Ms. Thall indicated the draft ordinance would be sent to the state for comments.

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PUBLIC HEARING

**Water and Sewer Plan Amendment Requests – Spring 2011 Cycle – Tim Goodfellow,
Community Development Division**

A public hearing was held, as duly advertised, to consider amendments to the Frederick County Water and Sewer Plan.

Commissioner Young swore in all those who were testifying.

Mr. Goodfellow presented the spring 2011 cycle amendment requests.

WS-11-01 - Community Development Division (Russell Holdings, LLC): Request reclassification of 10 acres from W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev., Tax Map 86, Part of Parcel 175, west side MD 85, north of Wedgewood Boulevard.

Recommendation: Community Development Division (CDD) and Utilities and Solid Waste Management Division (DUSWM) recommended approval of W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev. and the Frederick County Planning Commission (FcPc) found the request consistent with the Comprehensive Plan.

Mr. Ian Bartman, Esquire, Severn, O'Connor and Kresslein, commented on the request on behalf of the applicant, St. John's Properties.

There was no public comment.

Decision: Commissioner Smith moved to approve WS-11-01 Community Development Division (Russell Holdings, LLC) to reclassify 10 acres from W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev., Tax Map 86, Part of Parcel 175, west side MD 85, north of Wedgewood Boulevard. Commissioner Gray seconded the motion that passed 5-0.

WS-11-02 - City of Brunswick: Request reclassification of 48 acres from S-4 Dev. to S-3 Dev., Tax Map 92, Parcel 2000, lot 1; portions of Tax Map 91, Parcel 23 and Tax Map 92, Parcel 29 on the south side of MD 17, Burkittsville Road, within the City of Brunswick:

Recommendation: CDD recommended approval of S-4 Dev. to S-3 Dev. and the FcPc found the request consistent with the 2007 Brunswick Master Plan. DUSWM had no recommendation because it was a municipal system.

Mr. Bruce Dell, City of Brunswick, commented on the request.

There was no public comment.

Decision: Commissioner Smith moved to approve WS-11-02, City of Brunswick to reclassify 48 acres from S-4 Dev. to S-3 Dev., Tax Map 92, Parcel 2000, lot 1; portions of Tax Map 91, Parcel 23 and Tax Map 92, Parcel 29 on the south side of MD 17, Burkittsville Road, within the City of Brunswick. Commissioner Gray seconded the motion that passed 5-0.

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WS-11-03 - Oakdale Investments, LLC: Request reclassification of 20 acres from W-4 Dev. to W-3 Dev., Tax Map 68, Parcel 36 and Parcel 162, Woodridge Phase IV in the Lake Linganore Planned Unit Development (PUD).

Recommendation: CDD and DUSWM recommended approval of W-4 Dev. to W-3 Dev. The FcPc found the request consistent with the Comprehensive Plan.

Mr. Jason Wiley, Elm Street Developers, commented on the request on behalf of the applicant.

There was no public comment.

Decision: Commissioner Smith moved to approve WS-11-03, Oakdale Investments, LLC to reclassify 20 acres from W-4 Dev. to W-3 Dev., Tax Map 68, Parcel 36 and Parcel 162, Woodridge Phase IV in the Lake Linganore PUD. Commissioner Gray seconded the motion that passed 5-0.

WS-11-04 - RSB Holdings, LLC: Request reclassification of 11.4 acres from S-5 Dev. to S-4 Dev.; 14.5 acres from W-5 Dev. to W-4 Dev.; plus the addition of water tank and water treatment plant symbols on the water map, Tax Map 51, Parcel 19, Daysville Road and MD 550 in Libertytown.

Recommendation: CDD and DUSWM recommend approval of 11.4 acres from S-5 Dev. to S-4 Dev.; 14.5 acres from W-5 Dev. to W-4 Dev.; plus the addition of water tank and water treatment plant symbols on the water map. FcPc found the request to be consistent with the Comprehensive Plan.

There was no public comment.

Decision: Commissioner Smith moved to approve the reclassification of 11.4 acres from S-5 Dev. to S-4 Dev.; 14.5 acres from W-5 Dev. to W-4 Dev.; plus the addition of a water tank and water treatment plant symbols on the water map, Tax Map 51, Parcel 19, Daysville Road and MD 550 in Libertytown. Commissioner Gray seconded the motion that passed 5-0.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for a public hearing on Tuesday, June 30, 2011, at 10:00 a.m.

- Proposed Reissuance of Frederick County Bonds for Saint Thomas More Academy, Inc.

CONSENT AGENDA

The following items were removed from the consent agenda:

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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1. Purchasing Memo #11-208 – Replacement of Avaya Voice Equipment at Department of Social Services (Piggyback Contract)
Award to: Carousel Industries
Award amount: \$69,121.82
2. Purchasing Memo #11-209 – Bid No. 11-36 – Helically Corrugated Aluminum/Steel Pipe
Award to: Chemung Supply Corporation
Estimated award amount: \$51,336.60
3. Purchasing Memo #11-211 – Legal Advisory Services for Retirement Benefit Plans
Award to: Whiteford, Taylor and Preston LLP
Estimated maximum contract amount: \$60,000.00

Change Order

1. Bradford Estates Water Treatment Plant, Design Change Order No. 2 and Associated Budget Transfer – Robert Creighton, Utilities and Solid Waste Management Division

Grant

1. Workforce Investment Act FY 2012 Grant Allocations – Laurie Holden, Citizens Services Division

The following items were presented on the consent agenda:

BID AWARDS

1. Purchasing Memo #11-203 – Purchase and Installation of Video Surveillance Equipment for the New Citizens Care and Rehabilitation Center / Montevue Assisted Living (Piggyback Contract)
Award to: Skyline Network Engineering, LLC
Award amount: \$96,832.88
2. Purchasing Memo #11-207 – Renewal of Residential Recycling and Waste Collection Services (1st of 5 renewal options)
Award to: Allied Waste of North America, Inc. dba BFI Waste Services, LLC
Estimated cost: \$3,435,031.00
3. Purchasing Memo #11-212 – Health and Welfare Consulting and Related Services
Award to: Bolton Partners, Inc.
Estimated annual amount: \$53,000.00
4. Purchasing Memo #11-213 – Investment Advisory Consulting Services
Award to: Bolton Partners, Inc.
Estimated maximum contract amount: \$170,000.00

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BUDGET TRANSFERS

1. #BT-11-177, Accounting and Finance Support, Utilities and Solid Waste Management Division
2. #BT-11-178, Water and Sewer, Utilities and Solid Waste Management Division
3. #BT-11-179, Accounting, Finance Division

BOARD OF EDUCATION (BOE) SCHOOL CONSTRUCTION AMENDMENTS

1. #11-07 and BT-11-174
2. #11-08 – No county budget transfer needed.
3. #11-09 and BT-11-175
4. #11-10 - No county budget transfer needed.
5. #11-11 and BT-11-176

GRANT

- FFY 2012 Maryland Highway Safety Office Grant - Marty Gallagher, Sheriff's Office

Commissioner Smith moved to approve the consent agenda as amended. Commissioner Gray seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #11-203 – Purchase and Installation of Video Surveillance Equipment for the New Citizens Care and Rehabilitation Center / Montevue Assisted Living (Piggyback Contract) – Hal Good, Finance Division

Ms. Leigh Fields, Interagency Information Technologies Division, commented on the purchase request.

Commissioner Gray moved to approve purchasing memo #11-203. Commissioner Shreve seconded the motion that passed 5-0.

Bid Award - Purchasing Memo #11-209 – Bid No. 11-36 – Helically Corrugated Aluminum/Steel Pipe – Hal Good, Finance Division

Mr. Tom Meunier and Mr. Robert Shen, Public Works Division, commented on the purchase request.

Commissioner Shreve moved to approve Purchasing Memo #11-209. Commissioner Delauter seconded the motion that passed 5-0.

Bid Award - Purchasing Memo #11-211 – Legal Advisory Services for Retirement Benefit Plans – Hal Good, Finance Division

Tracy Lobuts, Human Resources Division and Mike Gastley, Acting Assistant County Manager, commented on the request for legal advisory services for the retirement benefit plans.

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Commissioner Delauter moved to send a request to the Frederick County Employees Retirement Committee to put out a Request for Proposal (RFP) for the services. Commissioner Shreve seconded the motion.

After some discussion, Commissioner Delauter withdrew his motion.

Commissioner Gray moved to approve the request as presented. Commissioner Smith seconded the motion that failed 2-3 with Commissioners Young, Shreve and Delauter opposed.

Commissioner Shreve moved to take the request for legal advisory services for the Frederick County Employees Retirement Benefit Plan out to bid and also offer an extension for 3-6 months to Whiteford, Taylor and Preston. Commissioner Young seconded the motion that passed 3-2 with Commissioners Smith and Gray opposed.

Workforce Investment Act FY 2012 Grant Allocations – Laurie Holden, Citizens Services Division

Ms. Holden, Rose Davis and Dan Moats, Workforce Development Board (WDB), commented on the grant.

The Board requested the WDB look into other agencies that may provide the same workforce services.

Commissioner Smith moved to approve the grant as presented. Commissioner Gray seconded the motion that passed 4-0-1 with Commissioner Shreve abstained.

Frederick County Board of Appeals (BOA) Interviews

Ms. Joyce Grossnickle, Office of the County Manager, discussed with the Board the interview process for BOA applicants.

The Board indicated they would interview all applicants on Thursday, June 30, 2011, beginning at 1:30 p.m.

Bradford Estates Water Treatment Plant, Design Change Order No. 2 and Associated Budget Transfer – Robert Creighton, Utilities and Solid Waste Management Division (DUSWM)

Mr. Creighton and Mr. Rod Winebrenner, DUSWM, commented on the change order.

(Commissioner Smith left the meeting at 10:10 a.m.)

Commissioner Delauter moved to approve design change order no. 2 and the associated budget transfer. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Smith absent.

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**Bid Award – Purchasing Memo #11-210, Code Messaging for the Relay of Daily
Information and Incident Response Data (Sole Source) - Hal Good, Finance Division**

Mr. Good and Mr. Tom Owens, Fire and Rescue Services Division, commented on the purchasing request.

Commissioner Gray moved to approve the request. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**Winchester Hall Parking Lot Lease Renewal with Frederick County Historical Society –
Wayne Roach, Management Services Division**

Mr. Austin Abraham, Management Services Division, commented on the lease.

It was noted that Ms. Heidi Campbell-Shoaf, Historical Society of Frederick County, was in the audience.

Commissioner Shreve moved to approve the lease renewal with the Historical Society of Frederick County. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**Adoption of the Frederick County Community College (FCC) FY 2012 Budget (Operating
Budget, Auxiliary Budgets, Capital Budget and Capital Improvements Program) – Doug
Browning, FCC**

Mr. Jerry Garbinski, FCC, also was present for the request.

Commissioner Gray moved to approve the adoption of the FCC FY 2012 budget. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Smith absent.

**Update of Business Friendly Improvement Issues and Opportunities – Action Item List
– Eric Soter and Gary Hessong, Community Development Division**

Mr. Soter and Mr. Hessong provided a status update on the progress of work initiated to improve the business climate in Frederick County pertaining to improvements in processes, procedures rules and regulations.

No action was taken on this item as it was informational.

Plat for Phase I of Monocacy Boulevard – Tom Meunier, Public Works Division

Mr. Zach Kershner, The City of Frederick, requested Commissioner Young's signature on the plat for Phase I of Monocacy Boulevard, on behalf of The City of Frederick, in order to purchase a right-of-way for the Monocacy Boulevard project from a property owner located in the county.

Commissioner Gray moved to approve the signing of the plat by Commissioner Young. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

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FY 2011 / 2012 Financial Update – John Kroll, Finance Division

Mr. Kroll presented to the Board the projected revenues and condensed appropriations for FY 2011-2017.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 11:55 a.m.

Patricia A. Morrow
Recording Secretary